

PINKERTON'S NATIONAL DETECTIVE AGENCY
v.
NATIONAL PENCIL COMPANY.

No. 31,231.
Fulton Superior Court.

BILL OF EXCEPTIONS.

GEORGIA,
FULTON COUNTY.

Be it remembered that on the 17th, 18th, 19th, and 22nd days of November, 1915, at the regular November Term of the Superior Court of Fulton County before the Honorable W. D. Ellis Judge, presiding, there came on to be tried the case of the Pinkerton's National Detective Agency v. National Pencil Company. A jury was stricken, evidence was introduced for plaintiff and defendant, and after argument of counsel and the charge of Court, the jury rendered a verdict in favor of plaintiff in the sum of \$1286.09 with interest, and judgment was duly entered thereon, all this appearing in the record.

The defendant thereafter in regular course, and within the time prescribed by law, filed its motion and an amendment thereto for a new trial, with a brief of the evidence duly approved by the Court and the charge of the Court properly certified. Said motion and the amendment thereto came on for a hearing on the third and fourth days of February, 1916, and the recitals of fact in the several grounds of the amendment to the motion were approved as true, and the said motion and the amendment thereto were overruled and denied by the Court on each and every of the grounds therein stated.

To this judgment of the Court, the defendant excepted, now excepts, and assigns error thereon, and says that the Court erred in overruling the motion and the amendment thereto for a new trial on each and all of the grounds therein stated, and for the reasons stated in said grounds respectively.

The defendant specifies the following portions of the record in said case as material to a clear understanding of the errors assigned in this bill of exceptions, to-wit:

1. The original petition in said case filed on April 29, 1914, omitting process and the sheriff's entry of service.
2. The amendment thereto allowed on November 17, 1915, alleging petitioner to be a partnership, and the order thereon.
3. The answer of the defendant filed July 10, 1914.
4. The original motion for a new trial filed by the defendant on November 22, 1915, with the rule nisi and service thereon.

5. The amendment to the motion for a new trial with the order of Court certifying as true the recitals in the grounds thereof, and filed on February 3, 1916.

6. The brief of evidence with the order and the entries thereon filed on the 4th day of February 1916.

7. The charge of the Court, with the approval of the Judge thereon dated December 27, 1915, and duly filed.

8. The verdict of the jury rendered in said case on November 22, 1915.

9. The judgment of the Court on said verdict dated November 22, 1915.

10. The judgment of the Court overruling said motion for a new trial dated the 4th day of February, 1916.

11. The entries of filing of each and all of the parts of the record above specified to be entered and transmitted in the proper order.

And now within the time provided by law, and within thirty days of the entry of the motion overruling said motion for a new trial, comes the defendant and enters this its bill of exceptions, and prays that the same may be certified as provided by law, in order that the errors complained of may be considered and corrected by the Supreme Court of Georgia.

H. A. Alexander.
Attorney for Plaintiff.

Post Office address:
226-228 Trust Company of Georgia Building,
Atlanta, Ga.

GEORGIA,
FULTON COUNTY.

I do certify that the foregoing bill of exceptions is true, and specifies all the evidence, and all of the record material to a clear understanding of the errors complained of; and the clerk of the Superior Court of Fulton County is hereby ordered to make out a complete copy of such parts of the record in said case as are in this bill of exceptions specified, and certify the same as such, and cause the same to be transmitted to the March Term, 1916 of the Supreme Court, that the errors alleged to have been committed may be considered and corrected. This 4th day of February 1916.

W D Ellis
Judge S C A C

Due and legal service of the foregoing bill of exceptions and the certificate of the Judge are hereby acknowledged. This 4th day of February 1916.

Attorneys for Defendant in Error
Pinkerton's National Detective Agency